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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,383	11/14/2000	Antonius Adriaan Maria Staring	PHN17384	3621

7590 11/16/2004

Philips Elcetronic North American Corp.  
580 White Plains Rd.  
Tarrytown, NY 10591

EXAMINER

DADA, BEEMNET W

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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DEC 08 2004  
Technology Center 2100

<b>Office Action Summary</b>	Application No. 09/700,383	Applicant(s) STARING ET AL.	
	Examiner Beemnet W Dada	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

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**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. Claims 1-7 have been amended, new claims 8-11 have been added on an amendment filed on 7/19/2004. Claims 1-11 have been examined.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blaukovitsch et al. (hereinafter Blaukovitsch) (US Patent No. 6,535,858 B1) in view of Tanoue et al. (hereinafter Tanoue) (US Patent No. 6,128,260).

4. As per claims 1 and 5-7, Blaukovitsch teaches a method for providing copy-protection services on a data storage medium [column 1, lines 7-11], wherein the stored data is arranged in sectors [column 1, lines 17-24], a tagging part being associated with each sector (for example see figure 3, ECC, auxiliary data, Header), wherein the tagging part of said sector comprises a field (S4t), (for example see subcode Q field, figure 5 and column 2, lines 20-39), and the stored data being stored in encrypted form on said data storage medium with an encryption key that is at least in part derived from values of at least some of said field [column 3, lines 45-64]

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and column 4, lines 1-9, 31-40]. Furthermore, Blaukovitsch teaches subcode q field values are normally not copied from one disk to another, but are newly generated during a copy process [column 5, lines 3-8]. Blaukovitsch does not explicitly teach storing a value R in the field which is randomly changed with each write access to the sector. Tanoue teaches an information recording medium, where information is recorded in units of sectors, each sector having multiple fields including a field for storing a random value, for randomizing sector locations within the storage medium during a block write [column 2, lines 29-54]. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to store random value R in the field, which is randomly changed with each write access as per teachings of Tanoue and employ it within Blaukovitsch copy-protection system in order to prevent interference between successive sectors by randomizing sectors in the storage medium.

5. As per claims 2 and 10, the combination of Blaukovitsch and Tanoue teaches the method as applied above. Furthermore, Blaukovitsch teaches the method, wherein the data storage medium is a removable memory module [column 1, lines 4-11].

6. As per claims 3 and 11, the combination of Blaukovitsch and Tanoue teaches the method as applied above. Furthermore, Blaukovitsch teaches the method, wherein the encryption key is derived from the values of said field associated with sectors in which rights and/or usage information is stored (for example where Error Correction Code is stored) [column 2, lines 20-34 and column 4, lines 37-41].

7. As per claim 4, the combination of Blaukovitsch and Tanoue teaches the method as applied above. Furthermore, Blaukovitsch teaches the method, wherein the encryption key is

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derived from values of said s4t field associated with sectors in which the content is stored [column 4, lines 1-9, 31-40].

8. As per claims 8 and 9, the combination of Blaukovitsch and Tanoue teaches the method as applied above. Furthermore, Blaukovitsch teaches the method, wherein each sector is organized as a 512 byte sector and the tagging part associated with each sector is 16 bytes (sector of equal length, see column 1, lines 17-21 and different bit values of subcode column 2, lines 27-67).

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

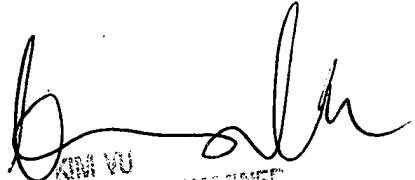
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

November 3, 2004

  
KIM VU  
UNITED STATES PATENT EXAMINER  
TECHNOLOGY CENTER 2135

<b>Notice of References Cited</b>	Application/Control No. 09/700,383		Applicant(s)/Patent Under Reexamination STARING ET AL.	
	Examiner Beemnet W Dada		Art Unit 2135	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,535,858	03-2003	Blaukovitsch et al.	705/57
	B	US-6,128,260	10-2000	Tanoue et al.	369/59.25
	C	US-6,580,682	06-2003	Kamperman et al.	369/275.3
	D	US-6,104,679	08-2000	Sollish, Baruch	369/53.21
	E	US-2003/0185130	10-2003	Kamperman et al.	369/59.25
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.